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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON
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7 STATE FARM FIRE AND CASUALTY
8 COMPANY, a corporation,
9 Plaintiff,

10 v.
11

12 CLE ELUM LOG AND TRANSFER
13 STRUCTURES LLC, et al., entity
14 unknown; OWEN B. WOODARD and
15 CHELSIE M. WOODARD, husband and
16 wife and their marital community;
17 JOHN DOE or JANE DOE EMPLOYEES 1-
18 10, and their marital
19 communities;

20 Defendants.

21 OWEN B. WOODARD and CHELSIE M.
22 WOODARD, husband and wife and
23 their marital community; and CLE
24 ELUM LOG AND TIMBER STRUCTURES,
25 LLC, a Washington limited
26 liability company;

27 Defendants/Third-Party
28 Plaintiffs,

29 v.
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31 COUNTRY INSURANCE COMPANY, a
32 foreign insurance company; GRANT
33 LEARNED and "JANE DOE" LEARNED,
34 Washington State individuals and
35 any marital community; and
36 LEARNED FAMILY TRUST, LLC, a
37 Washington limited liability
38 company,

39 Third-Party Defendants.

40 NO. CV-11-3048-EFS

41
42 **ORDER SEVERING CLAIMS AND
43 PARTIALLY REMANDING TO
44 STATE COURT**

1 Before the Court, without oral argument, is Third-Party Plaintiffs'
 2 Motion and Memorandum for Remand, ECF No. [8](#), filed May 20, 2011. Third
 3 -party Plaintiffs Owen and Chelsie Woodard and Cle Elum Log and Timber
 4 Structures, LLC, move the Court to remand this case to Kittitas County
 5 Superior Court for lack of diversity jurisdiction.¹ See 28 U.S.C. §
 6 1441; *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

7 On June 10, 2011, the parties filed a Stipulation and Order of
 8 Severance and Removal/Remand, ECF No. [17](#). The parties agree that:

9 State Farm's complaint and the third-party complaint against
 10 Learned should be severed from the third-party complaint
 11 against Country Casualty pursuant to [Federal Rule of Civil
 12 Procedure 42]. State Farm's complaint and the third-party
 13 complaint against Learned should be remanded back to Superior
 14 Court of the State of Washington, Kittitas County, Case No. 10-
 15 2-00206-8. The third-party complaint against Country Casualty
 16 should remain in this court.

17 ECF No. [17](#). The Court finds remand is appropriate. Accordingly, **IT IS**
 18 **HEREBY ORDERED:**

19 **1.** Pursuant to Rule 42, State Farm's Complaint, ECF No. [1-2](#), and
 20 the Third-Party Complaint against Learned, ECF No. [7](#), ¶¶ 3.21-3.24, are
 21 **SEVERED** from the Third-Party Complaint against Country Casualty, *id.* ¶¶

22 ¹ Third-Party Plaintiffs argue that diversity jurisdiction is
 23 lacking because: 1) Third-Party Defendant Country Casualty Insurance
 24 Company ("Country Casualty") failed to establish the amount-in-
 25 controversy requirement, and 2) the addition of Third-Party Defendants
 26 Grant Learned, Jane Doe Learned, and Learned Family Trust, LLC
 27 ("Learned"), Washington citizens, destroys complete diversity. ECF No.
 28 [8](#), at 2.

1 3.1-3.20. See Fed. R. Civ. P. 42(b) ("For convenience, to avoid
2 prejudice, or to expedite and economize, the court may order a separate
3 trial of one or more separate issues, claims, crossclaims, counterclaims,
4 or third-party claims.").

5 2. State Farm's Complaint, ECF No. 1-2, and the Third-Party
6 Complaint against Learned, ECF No. 7, ¶¶ 3.21-3.24, are **REMANDED** to the
7 Superior Court of the State of Washington, Kittitas County, Case No. 10-
8 2-00206-8.

9 3. The parties do not waive any substantive claims or defenses.

10 4. The Third-Party Complaint against Country Casualty, ECF No. 7,
11 ¶¶ 3.1-3.20 remains before this Court.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter
13 this Order and provide copies to all counsel.

14 **DATED** this 21st day of June 2011.

15 _____
16 S/ Edward F. Shea
EDWARD F. SHEA
17 United States District Judge

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